



## Scott G. Kearns

Partner

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## BIO

Scott is a partner in the Construction Law Practice at Peckar & Abramson. He provides representation and counseling to general contractors, owners, construction managers, subcontractors, suppliers, architects, and other construction professionals in connection with a broad range of construction issues, including, but not limited to construction defect claims, construction liens and mechanics' liens, payment and performance bond claims, professional malpractice claims, contract claims, Prompt Payment Act claims, delay and impacts claims, Consumer Fraud Act claims and more.

Scott also represents clients in connection with the firm's commercial litigation, employment, and criminal defense practices.

Scott is experienced in phases of litigation from inception through trial, and has numerous trials to his credit. While versed in trial practice, his objective is to provide the most cost-effective representation possible, making use of alternative dispute resolution and early settlement, where possible.

## HIGHLIGHTS

### ADMISSIONS

- State of New Jersey
- State of New York
- United States District Court for the District of New Jersey
- United States District Court for the Southern District of New York
- United States District Court for the Eastern District of New York
- United States Court of Appeals for the Second Circuit

### EDUCATION AND COURSES

- Union College, B.S.
- Fordham University School of Law, J.D.

### PRACTICE AREAS

- Construction and Infrastructure
- Business Litigation

## MEMBERSHIPS

- New Jersey State Bar Association (Construction and Public Contracts, and Alternative Dispute Resolution Sections)
- New Jersey State Bar Association (Board of Directors - Alternative Dispute Resolution Section)
- American Bar Association
- Fordham University School of Law Alumni Association (Mentorship Program)
- Montefiore – Nyack Hospital Foundation (Former Board of Trustees)
- CP Unlimited (Board of Directors)
- Jawonio, Inc. (Board of Directors)

## PUBLICATIONS AND PRESENTATIONS

- Fifty State Construction Lien & Bond Law, New Jersey chapter, 2019-2022 editions
- “Federal Appeals Court Rules That Lien Claims Filed After A Contractor Files For Bankruptcy Violate Automatic Stay”, *ConsensusDocs*, February 2018
- “A Guide To Construction Liens In New Jersey”, *Law360*, January 2018
- “American Arbitration Association Issues New Alternative Rules For Arbitrating Construction Disputes On A More Expedited Basis”, *P&A Newsletter*, Winter 2015
- “Construction Lien Law: Supplier’s Duty to Allocate Funds Received” *New Jersey Building Contractor*, Volume 1, 2013
- “The Appellate Division’s Controversial Interpretation of a Supplier’s Duty to Allocate Payment Under Craft” *Mann Report*, November, 2013
- “New Jersey Court Clarifies A Supplier’s Duty to Allocate Payments to Secure Lien Rights” *Peckar & Abramson Newsletter*, Spring 2013
- “Fee Shifting in Construction Disputes: A Movement Building,” *New Jersey Law Journal*, June 2012
- LexisNexis Practice Advisor Forms and Drafting Notes for “Construction Lien Claim”, “Notice of Unpaid Balance and Right to File Lien”, “Amendment to Construction Lien Claim”, “Affidavit of Payment to Discharge Lien Claim”, “Certificate of Discharge of Lien Claim”, “Demand For Arbitration”, “Demand For Verified List”, and “Letter Demanding That Lien Claimant Commence Action To Enforce Lien”
- “Construction Lien Checklist (NJ)”, LexisNexis Workflow Checklist
- “Home Office Overhead: Attempting to Absorb Unabsorbed Costs”, New Jersey Bar Associations, Construction Law Section (Speaker)